

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WESTERN PENNSYLVANIA :
ELECTRICAL EMPLOYEES PENSION :
FUND, individually and on behalf of :
others similarly situated, :
Plaintiffs, :
v. :

CIVIL ACTION NO. 09-4730

DENNIS ALTER, et al.,
Defendants.

FILED

SEP -6 2013

WILLIAM E. UNDERLAND, et al.,
individually and on behalf of others
similarly situated,
Plaintiffs
v.

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

CIVIL ACTION NO. 10-3621

DENNIS ALTER, et al.,
Defendants.

ORDER

AND NOW, this 6th day of September 2013, upon consideration of the Special Master's Fifth Report and Amended Recommendation [Doc. No. 170] ("Amended Fifth R & R"), Defendant's objections, and the response and reply thereto, and finding that the analysis and conclusions reached in the Special Master's Amended Fifth R & R are correct, it is hereby **ORDERED** that the Amended Fifth R & R is **APPROVED** and **ADOPTED** in substantial part. The Court makes the following modifications to the Amended Fifth R & R:

1. The date for providing the original Alter Hard Drive to LDiscovery, which is set forth in Section IV, Paragraph 4 of the Amended Fifth R & R is amended as follows: Defendant Alter must provide the original Alter Hard Drive to LDiscovery no later than **September 13, 2013**.

2. The cost allocation set forth in Section IV, Paragraph 7 of the Amended Fifth R & R is amended as follows: All costs incurred in connection with LDiscovery's forensic analysis of the original Alter Hard Drive shall preliminarily be borne by Plaintiffs. Within fourteen days of receipt of LDiscovery's written report, Plaintiffs may apply for a re-distribution of those costs upon a showing of good cause.

3. The parties shall provide the Court with a status report, within **30 days** of the date of this Order, updating the Court as to the status of LDiscovery's forensic analysis of the Alter Hard Drive.

Other than the modifications set forth above, the Court **ADOPTS** the Amended Fifth R & R as submitted and makes it an Order of the Court.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.